



AF/GAU -  
E. Ches 3711  
10-8-98

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Michael J. Sullivan  
FOR : IMPROVED MULTI-LAYER  
GOLF BALL  
SERIAL NO. : 08/815,556  
FILED : March 12, 1997  
EXAMINER : M. Graham  
ART UNIT : 3304  
LAST OFFICE ACTION : October 22, 1997  
ATTORNEY DOCKET NO. : SLD 2 035-1-1

RECEIVED  
OCT - 5 1998  
TECHNOLOGY CENTER 3700

Cleveland, Ohio 44114  
September 28, 1998

**Supplemental Showing Under 37 C.F.R. § 1.195 For Introducing  
Information After Notice of Appeal**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

This supplemental showing is presented subsequent to the filing of Applicant's Appeal Brief in the above-captioned application on July 20, 1998. This supplemental showing is presented in order to introduce additional information

**CERTIFICATE OF MAILING**

I hereby certify that this Supplemental Showing Under 37 CFR §1.195, in triplicate, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 28, 1998.

By: Mary Ann Temesvari  
Mary Ann Temesvari

pertaining to the nonobviousness of the claimed subject matter. This information relates to the commercial success, praise within the industry, and the extensive and wide-spread adoption of the commercial embodiment of the claimed golf ball - the Top-Flite® Strata™ golf ball.


Exhibit 1 notes that the Strata™ ball is the number one multi-layer ball on tour. The significant advantage and increase in tour rankings by utilizing the Strata™ ball is also illustrated.

Exhibits 2-4 announce the winner of the 62nd Masters and the 1998 British Open, Mark O'Meara utilizing the Strata™ ball.

Exhibits 5 and 6 illustrate the remarkable commercial success and adoption in the industry of the Strata™ ball.

For at least these reasons, it is respectfully submitted that the information submitted herewith, i.e. Exhibits 1-6, also be considered in conjunction with the information submitted with Applicant's Appeal Brief, i.e. Exhibits 1-19, and be admitted and considered by the Board.

Respectfully submitted,  
FAY, SHARPE, BEALL,  
FAGAN, MINNICH & McKEE

  
\_\_\_\_\_  
Richard M. Klein  
Reg. No. 33,000  
1100 Superior Avenue, 7th Floor  
Cleveland, OH 44114-2518  
(216) 861-5582

C:\DATA\WEB\DOCS\SLD2035.SHW

# MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



**Soft ZS Balata™  
cover for maxi-  
mum spin control**

**Firm inner layer  
for distance**

**Soft, high  
energy core  
for Tour feel**



CONGRATULATIONS MARK O'MEARA  
THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates  
Mark O'Meara for winning his first  
green jacket and his first major tourna-  
ment as a professional.



**SPALDING®**

**TOP-FLITE™ Etonic**

# MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



**Soft ZS Balata™**  
cover for maxi-  
mum spin control

**Firm inner layer**  
for distance

**Soft, high  
energy core**  
for Tour feel



CONGRATULATIONS MARK O'MEARA,  
THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates  
Mark O'Meara for winning his first  
green jacket and his first major tourna-  
ment as a professional.



**SPALDING®**

**TOP-FLITE**

**Etonic**

# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<b>TOP-FLITE</b>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



TECHNOLOGY TO IMPROVE YOUR GAME

**TOP-FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS **SPALDING**

©1998 Spalding Sports Worldwide. Sold through Golf Professional Shops. Spalding is a member of the National Golf Foundation.

# STRATA: THE #1 MULTI-LAYER BALL ON TOUR.



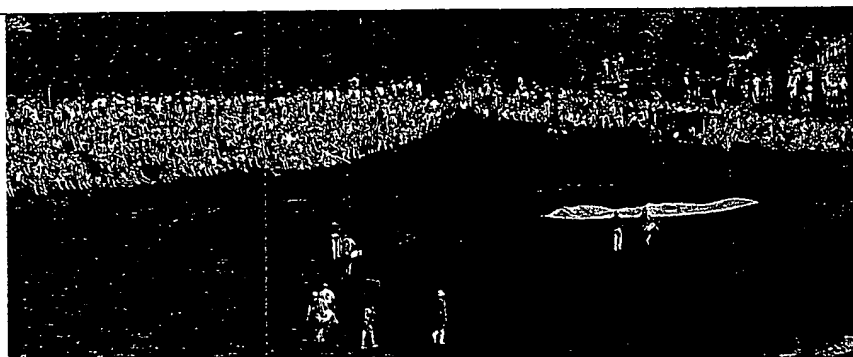
Soft ZS Balata™  
cover for maximum  
spin control

Firm inner layer  
for distance

Soft, high  
energy core  
for Tour feel

In April 1996, Mark O'Meara switched from a wound ball and became the first PGA Tour Professional to play our new multi-layer Strata. Later that month, he used it to win the Greater Greensboro Open. In May, D.A. Weirbring also switched to the Strata and, he promptly won the Greater Hartford Open. Like anything else on Tour that performs this well, the ball caught on. Today, over 150 touring professionals representing every Tour worldwide make the Top-Flite Strata their ball of choice.

The Strata's breakthrough multi-layer



construction continues to redefine performance for top pros. Its firm inner layer produces long distance off the tee, while its super soft ZS Balata™ cover and patented high energy core combine



Jim Furyk, 11 TOP-TEN FINISHES,  
RYDER CUP TEAM MEMBER 1997

to produce unequaled spin and control around the green. What you get is a ball that performs from tee to green. One that helped Jim Furyk post 11 top-ten finishes during the 1997 season.

Of course, we've adapted the multi-layer technology to perform well for the low handicap player as well. The Strata Advance uses the same multi-layer Strata Tour construction. But it features a Hyper-Elastic inner layer for additional distance off woods and long irons

while the soft, cut-proof Z-Balata cover and high energy core deliver fantastic feel and spin on short irons around the green.

So, whether it's the Strata Tour for unmatched control or the

## TOUR RANKINGS

Tour Player	Before Strata	After Strata
Mark O'Meara	20	8
Jim Furyk	48	20
Paul Stankowski	55	26
Bill Glasson	52	39
David Ogren	103	59

Strata Advance for additional distance, why not buy a sleeve from your pro shop and test them against your regular ball? After all, the Strata's breakthrough multi-layer technology has worked for the top pros. We're confident it will help to improve your game as well.

In only eighteen months, 150 tour professionals worldwide have switched to the Strata Tour. With outstanding results, 28 first place finishes and hundreds more in the top ten.



Bill Glasson  
1997 LAS VEGAS  
INVITATIONAL



Mark O'Meara  
1997 AT&T PERDUE  
BEACH PRO-AM



Paul Stankowski  
1997 UNITED AIRLINES  
HAWAIIAN OPEN



DEDICATED TO IMPROVING YOUR GAME

**TOP-FLITE**

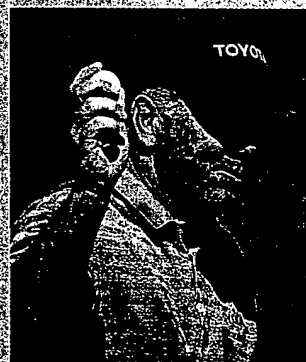
# MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



**Soft ZS Balata™**  
cover for maxi-  
mum spin control

**Firm inner layer**  
for distance

**Soft, high  
energy core**  
for Tour feel



CONGRATULATIONS MARK O'MEARA  
THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates  
Mark O'Meara for winning his first  
green jacket and his first major tourna-  
ment as a professional.

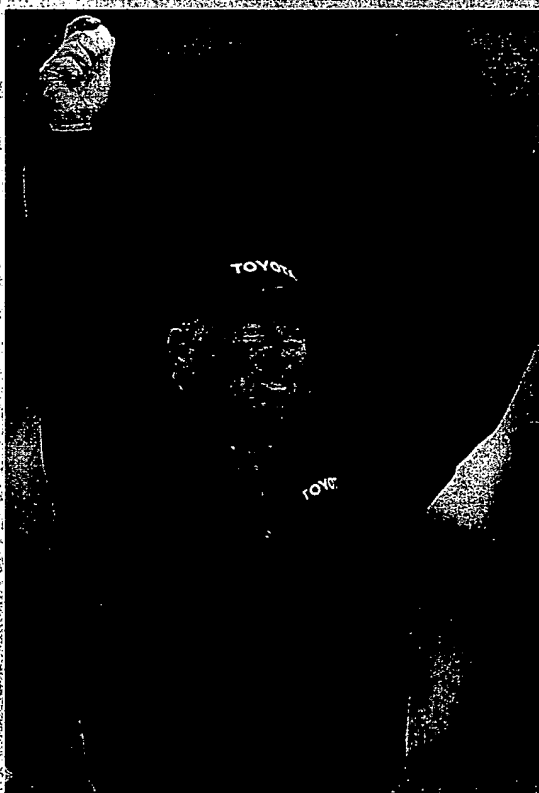


**SPALDING**

TOP-FLITE

Etonic

# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA: 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<b>TOP-FLITE</b>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



TECHNOLOGY TO IMPROVE YOUR GAME

**TOP-FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS **SPALDING**

# PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION  
1998 BRITISH OPEN CHAMPION

## 1998 MAJOR WINS

<b>TOP-FLITE</b>	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



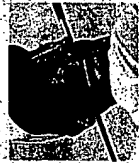
TECHNOLOGY TO IMPROVE YOUR GAME **TOP-FLITE**

A TRADITION IN GOLF FOR OVER 100 YEARS **SPALDING**

# IN EIGHTEEN MONTHS OVER 250 TOUR PLAYERS HAVE SWITCHED TO THE TOP-FLITE® STRATA™ CARE TO JOIN THEM?



MARK O'MEARA



JIM FURYK



PAUL STANOWSKI



CHRIS JOHNSON



AL GEIBERGER



CASEY MARTIN



ANDREW MAGEE



DAVID OGREIN



D.A. WEBERING



DANA QUIGLEY



KELLI KUEHNE



RUSS COCHRAN



BILLY RAY BROWN



BRUCE SUMMERHAYS



LEN MATTIACE



BRENT GEIBERGER



CRAG STADLER



PAYNE STEWART



LEE TREVINO



STEVE PATE



JAY DON BLAKE



BRANDIE BURTON



BRUCE CRAMPTON



HAL SUTTON



MIKE BRUSK



NEAL LANCASTER



DEVITT WEAVER



TERRY DILL



CAROLINE MCMILLAN



PHIL TATAURANGI

Since 1996, over 250 Tour professionals worldwide have switched to the Strata Tour. With outstanding results, 28 first place finishes and hundreds more in the Top Ten, Small wonder it's caught on. The Strata's breakthrough, multi-layer

construction utilizes a firm inner layer that plays long off the tee, while its super-soft ZS-Balata™ cover and patented high energy core combine for unequalled spin and control around the green. It's improved their game, without a doubt, it'll help yours.

DEDICATED TO IMPROVING YOUR GAME **TOP-FLITE**

# HOWEVER, IT SEEMS TO BE CATCHING ON.

[illegible]

Joan Placock  
Angie Rodgers  
Bob E. Smith

This image shows a vertical strip of a document page. The right side of the strip contains a dense column of text, which appears to be a list or a series of entries. The text is small and difficult to read due to the high resolution and the way the image was captured. The left side of the strip is lighter and less detailed, possibly representing a margin or a different section of the document. The overall appearance is that of a scanned document page.

1. *Journal of the American Statistical Association*, 1997, 92, 1093-1103.

Greg Bruckner	Greg Bruckner
Paul Santowski	Paul Santowski
Laura Brown	Laura Brown
Stephanie Maynor	Stephanie Maynor
Karen Noble	Karen Noble
Kathy Postlewait	Kathy Postlewait
Leslie Spaulding	Leslie Spaulding
Cliff Kresge	Cliff Kresge
Clinon Whitehair	Clinon Whitehair
Jim Flogk	Jim Flogk

Jim Furuk	Greg Bruchner	Greg Bruchner
Jim Furuk	Paul Stankowski	Paul Stankowski
Jim Furuk	Laura Brown	Laura Brown
Jim Furuk	Stephanie Maynor	Stephanie Maynor
Jim Furuk	Karen Noble	Karen Noble
Jim Furuk	Kathy Postswelt	Kathy Postswelt
Jim Furuk	Lestie Spaulding	Lestie Spaulding
Jim Furuk	Cliff Krasge	Cliff Krasge
Jim Furuk	Clincon Whitehaw	Clincon Whitehaw
Jim Furuk	Jim Fugik	Jim Fugik

# SEEMS TO

## HOWEVER, IT

Brent Byrnes	Brent Byrnes	Brent Byrnes
Brent Gabeiger	Brent Gabeiger	Brent Gabeiger
Bill Ray Brown	Bill Ray Brown	Bill Ray Brown
Jerry Ann Moore	Jerry Ann Moore	Jerry Ann Moore
Maria Ann Adams	Maria Ann Adams	Maria Ann Adams
John Adams	John Adams	John Adams
Scott Gump	Scott Gump	Scott Gump
Sue Pate	Sue Pate	Sue Pate
Gene Sauers	Gene Sauers	Gene Sauers
Howard Twitty	Howard Twitty	Howard Twitty
Shirley Furlong	Shirley Furlong	Shirley Furlong

Brent Bryant	Brent Bryant
Brent Gamberger	Brent Gamberger
Bill Ray Brown	Bill Ray Brown
Tommy Armour III	Tommy Armour
Mike Malone	Mike Malone
John Adams	John Adams
Scott Gump	Scott Gump
John Potts	John Potts
Sueveta	Sueveta
Gene Sauters	Gene Sauters
Howard Twitty	Howard Twitty
Shifley Furlong	Shifley Furlong

# NG ON.

# BE CAUGHT

Sherr Turner	Sherr Turner
Berry Chessman	Berry Chessman
Dennis Zinlon	Dennis Zinlon
Richard Bozell	Richard Bozell
Darren Lee	Darren Lee
Ben Tinning	Ben Tinning
Massimo Scarpa	Massimo Scarpa
Darren Barnett	Darren Barnett
Mike D'Amico	Mike D'Amico
Chris DiMarco	Chris DiMarco

Sheri Turner	Sheri Turner
Brent Chessman	Brent Chessman
Dennis Zinkon	Dennis Zinkon
Rick Koppell	Rick Koppell
David Tappin	David Tappin
Darren Lee	Darren Lee
Ben Timmering	Ben Timmering
Massimo Scarpa	Massimo Scarpa
Walter Bennett	Walter Bennett
Mike Marino	Mike Marino
Chris DiMarco	Chris DiMarco

Chris DiMarco

[illegible]

Billy Costello	Billy Costello
Billy Connors	Billy Connors
Tommy Gillis	Tommy Gillis
Chris Johnson	Chris Johnson
Ed Fiori	Ed Fiori
Michael Long	Michael Long
Jeffery Miller	Jeffery Miller
Craig Ronald	Craig Ronald
Craig Stadler	Craig Stadler
Mike Brisky	Mike Brisky
Brad Fabelo	Brad Fabelo

Top Access:	Top Access:	Top Access:
Tommy Gillis	Tommy Gillis	Tommy Gillis
Chris Johnson	Chris Johnson	Chris Johnson
Ed Fiori	Ed Fiori	Ed Fiori
Michael Long	Michael Long	Michael Long
Jeff Ellen	Jeff Ellen	Jeff Ellen
Craig Ronald	Craig Ronald	Craig Ronald
Craig Stadler	Craig Stadler	Craig Stadler
Mike Brisky	Mike Brisky	Mike Brisky
Brad Fabel	Brad Fabel	Brad Fabel

[illegible]

Ed Fournier  
Michael Long  
Jeff Mullin  
Craig Stoddard  
Craig Stoddard  
Craig Stoddard  
Mike Bishop  
Brad Fabel  
Mike Bishop  
Brad Fabel  
Mike Bishop  
Brad Fabel

Bill Glasgow	Mark O'Meara	Bill Glasgow	Mark O'Meara
Gregory	Gregory	Gregory	Gregory
Robert Thompson	Robert Thompson	Robert Thompson	Robert Thompson
Peter Mitchell	Peter Mitchell	Peter Mitchell	Peter Mitchell
Jarmo Sandelin	Jarmo Sandelin	Jarmo Sandelin	Jarmo Sandelin
Dan Wavell	Dan Wavell	Dan Wavell	Dan Wavell
Ross McFarlane	Ross McFarlane	Ross McFarlane	Ross McFarlane
Richard Green	Richard Green	Richard Green	Richard Green
Rodger Davis	Rodger Davis	Rodger Davis	Rodger Davis
Ref Muntz	Ref Muntz	Ref Muntz	Ref Muntz

[illegible][illegible][illegible]

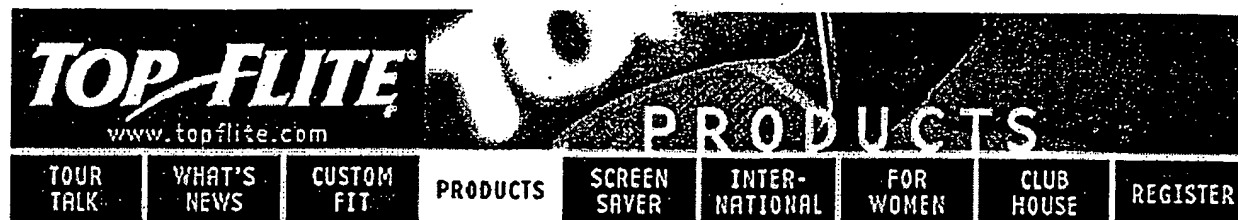
May '97	June '97	July '97	September '97
Massimo Finelli	Massimo Finelli	Massimo Finelli	Massimo Finelli
Darren Cole	Darren Cole	Darren Cole	Darren Cole
Neal Biggs	Neal Biggs	Neal Biggs	Neal Biggs
Benjamin	Benjamin	Benjamin	Benjamin

January 1977	February 1977	March 1977	April 1977
Massimo Fioroli	Massimo Fioroli	Massimo Fioroli	Massimo Fioroli
Darren Cole	Darren Cole	Darren Cole	Darren Cole
Neil Bigras	Neil Bigras	Neil Bigras	Neil Bigras

Month	Year	Massimo Floridi	Darren Cole	John Jackson	Neil Briggs
September	96				
October	96				
November	96				
December	96				

May 1990	June 1990	July 1990	August 1990
Massimo Floridi	Massimo Floridi	Massimo Floridi	Massimo Floridi
Daren Cole	Daren Cole	Daren Cole	Daren Cole
John Stickerton	John Stickerton	John Stickerton	John Stickerton
Ned Bragg	Ned Bragg	Ned Bragg	Ned Bragg

100



## TOP-FLITE® STRATA™

**The #1 Multi-Layer Ball On Tour.**

**Top-Flite's Breakthrough Multi-Layer Technology Is The Most Remarkable Yet.**

Since the turn of the century, Spalding has led the way in technology, from the first dimpled golf ball in 1909 to today's line-up of high performance balls for every level of play. In fact, over the past 5 years, no other U.S. manufacturer has obtained more patents covering materials and construction than Top-Flite.

And now, with the multi-layer technology of the Top-Flite® Strata™ Advance, the performance bar has been raised higher than ever before.



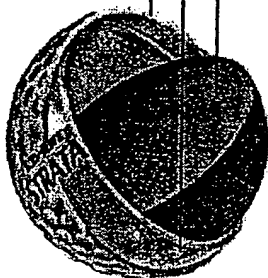
### Top-Flite Strata Tour's Impressive First Year on the PGA Tour.

Dozens of professionals worldwide have already switched to the new Top-Flite Strata Tour, including former wound ball players Mark O'Meara and Jay Don Blake. And the results have been impressive. Since switching to Strata Tour, O'Meara has reached the top 5 on the PGA Tour in money, in scoring, in greens in regulation and in birdies. Strata Tour has also recorded numerous Tour victories in its first year such as: O'Meara's win at Greensboro, D.A. Weibring's GHO victory, Walt Morgan's first place honors at the SPGA Ameritech, not to mention several international wins.

SOFT, HIGH ENERGY  
CORE

FIRM INNER LAYER  
FOR DISTANCE

SOFT ZS BALATA  
COVER FOR HIGH  
SPIN CONTROL



### Top-Flite Strata Tour. Patented Multi-Layer Construction Sets a New Standard in Golf Ball Performance.

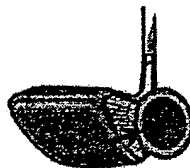
The multi-layer design of Top-Flite Strata Tour has redefined golf ball technology. By combining a super soft ZS Balata™ cover with a firm inner layer and a high-energy soft core, the new Strata Tour offers excellent distance off woods and longer irons with unequalled feel and control on short iron shots and around the green.

Distance Comparison		
DRIVER	Top-Flite Strata Tour	Longest
	Titleist Tour Balata	+6 Yards
	Titleist Professional	+3 Yards
	Maxfli HHI	+4 Yards
5-IRON	Top-Flite Strata Tour	Longest
	Titleist Tour Balata	+4 Yards
	Titleist Professional	+4 Yards
	Maxfli HHI	+2 Yards
Spin Comparison		
30-YARD PITCH	Top-Flite Strata Tour	Highest
	Titleist Tour Balata	+200 RPM
	Titleist Professional	+600 RPM
	Maxfli HHI	+1300 RPM

### Computer-Aided Design and Breakthrough Materials Make State-Of-The-Art Performance Possible.

The Strata Tour construction is revolutionary both inside and out. Its core composition is a patented polymer that delivers a remarkable combination of softness (for feel) and maximum distance. The patented inner layer, which is the impressive power behind Strata Tour, contains an exclusive formulated ionomer material.

Top-Flite Strata Tour has a new ZS Balata™ outer cover that is also patented. Its advanced polymer construction makes it not only soft and resilient, but cut resistant. This translates into added confidence on those all-important scoring shots around the green. Just as important, Top-Flite Strata Tour also provides consistent, reliable performance shot after shot, and hole after hole.



With woods and long iron shots, the firm inner layer and high energy core combine to produce low spin and long distance.



With short iron shots and around the green, the ZS Balata™ cover produces unequaled spin control with balata ball feel.

Strata Advance Specifications	
Ball Size	1.68"
Core Size	1.47"
Thickness	
Cover	0.050"
Mantle Layer	0.055"
Cover	
Shore D Hardness	46
Mantle Layer	
Shore D Hardness	70
Dimple Pattern	DM
Number of Dimples	422

**You'll See The Top-Flite Strata Tour On The Professional Tours... And At Golf Professional Shops.**

The performance of Top-Flite Strata Tour continues to attract the attention of top tour players worldwide. Players like Jim Furyk and 1996 GGO winner Mark O'Meara have seen the difference Strata Tour can make in their game, and have made Strata their ball of choice for 1997.

The Top-Flite Strata Tour comes with a 100% money-back guarantee if you are not completely satisfied.

For more information on Top-Flite Strata Tour, call 1-800-225-6601.

©1997 Spalding Sports Worldwide



**You want to know more about Strata's Product Benefits and Features?**

| [Tour Talk](#) | [What's New](#) | [Custom Fit](#) | [Products](#) | [Screen Saver](#) | [International](#) | [For Women](#) | [Club House](#) | [Register](#) |  
Top-Flite 1997